

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALFRED TRIPPETT, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

JUNIORS CHEESECAKE, INC.,

Defendant.

25-CV-01211 (MMG)

ORDER SCHEDULING
DEFAULT JUDGMENT
BRIEFING

MARGARET M. GARNETT, United States District Judge:

On February 11, 2025, Plaintiff initiated this action. Dkt. No. 1 (“Complaint”). On February 13, 2025, the Court ordered the parties to meet and confer in good-faith and file a joint status letter, within 45 days of service of the summons and Complaint, regarding the parties’ settlement discussions and their views on next steps in the case. Dkt. No. 5. Pending the parties’ joint letter, the Court stayed Defendant’s deadline to respond to the Complaint. *Id.* On March 4, 2025, Plaintiff filed proof of service, indicating that Defendant had been served on February 28, 2025. *See* Dkt. No. 6. To date, Defendant has not appeared in this action, and the parties have not filed a joint letter in accordance with the Court’s February 13, 2025 Order.

Accordingly, it is hereby ORDERED that the stay of Defendant’s time to respond to the complaint is LIFTED. It is further ORDERED that Defendant shall answer, move, or otherwise respond to the Complaint no later than **April 25, 2025**.

It is further ORDERED that if Defendant does not respond to the Complaint or appear by April 25, 2025, then by **May 16, 2025**, Plaintiff must file any motion for default judgment in accordance with the Court’s Individual Rules & Practices. If Plaintiff’s counsel submits calculations in support of any motion for default judgment, Plaintiff’s counsel shall also email native versions of the files with the calculations (*i.e.*, versions of the files in their original format, such as in “.xlsx”) to Chambers at GarnettNYSDChambers@nysd.uscourts.gov.

It is further ORDERED that Defendant shall file any opposition to any motion for default judgment by **May 30, 2025**.


Plaintiff shall serve a copy of this Order on Defendant by first-class mail and/or by in-person service **within two business days from the date of this Order**, and shall file proof of such service **within three business days of the date of this Order**.

In the event Plaintiff files a motion for default judgment, Plaintiff shall serve the motion papers on Defendant by **May 20, 2025**, and shall file proof of such service by **May 21, 2025**.

If this case settles or is otherwise terminated, Plaintiff is not required to move for default, provided that a stipulation of discontinuance, voluntary dismissal or other proof of termination is filed on the docket prior to the date of the conference, using the appropriate ECF Filing Event. See SDNY ECF Rules & Instructions §§ 13.17-13.19 & App'x A, *available at* <https://www.nysd.uscourts.gov/electronic-case-filing>.

Dated: April 17, 2025
New York, New York

SO ORDERED.



MARGARET M. GARNETT
United States District Judge